



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

271 Cadman Plaza East

Brooklyn, New York 11201

EAG/AH
F.#2011R00006

June 12, 2012

By ECF

The Honorable Kiyo A. Matsumoto
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Neil Messina
Criminal Docket No. 11 CR 31 (KAM)

Dear Judge Matsumoto:

The government respectfully submits this letter in response to the defendant's request to modify his bond to permit him to visit his mother on June 14 and June 21, 2012 from 11:00 am to 4:00 pm. (See Ltr. from Gerald J. McMahon, Esq. to the Court, dated June 11, 2012). While the government does not object to occasional, short visits between the defendant and his ailing mother, and has regularly consented to such modifications in the past (see Docket Entry Nos. 104, 106, 107, 108, 110, 112, 113, 114, 121, 122, 125, 139, and 163), the defendant's requests have become excessive to the point that it is difficult for Pretrial Services to monitor his whereabouts. For example, in addition to attorney visits and meetings with investigators, the defendant also requests and receives regular modifications for purposes such as doctors visits, weekly religious services, weekly full-day visits with his mother, and thrice-weekly NA meetings. As such, the defendant appears to spend more time outside of the residence than inside, which thwarts the purpose of home detention.

As set forth in the government's prior submissions (see Docket Entry No. 80), and in prior government memoranda in support of its motion for a permanent order of detention, the defendant's release poses a danger to the community. To address the government's concerns, the Court released the defendant only after the defendant presented a significant bail package with

numerous conditions of release. The modifications the defendant regularly seeks in this case compromise the government's ability to adequately monitor the defendant's activities to ensure the safety of the community.

Accordingly, the government respectfully submits that the defendant only be permitted short, occasional visits with his mother.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

By: /s/Amanda Hector
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cc: Gerald J. McMahon, Esq. (by ECF)
Vincent J. Romano, Esq. (by ECF)
Clerk of the Court (KAM) (by ECF)